

Amendment and Response

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Serial No.: 10/670,685

Confirmation No.: 8387

Filed: September 25, 2005

For: WIRELESS ELECTRONIC DISPLAY

Remarks

The Office Action mailed July 28, 2005 has been received and reviewed. Claim 22 has been amended. No claims have been cancelled or added. Therefore, the pending claims are claims 19-30. Reconsideration and withdrawal of the rejections are respectfully requested in view of the amendments and remarks provided herein.

The 35 U.S.C. §103 Rejection

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. See M.P.E.P. § 2143.

Claims 19-25

The Examiner has rejected claims 19 and 22 under 35 U.S.C. §103(a) as being unpatentable over Schultz (U.S. Patent 5,305,181) taken with Fan et al. (U.S. Patent 6,452,572) in view of Schoenbeck et al. (U.S. Patent 6,227,043). Further, the Examiner has rejected claim 20 under 35 U.S.C. §103(a) as being unpatentable over Schultz taken with Fan et al. in view of Schoenbeck et al. and further in view of Wong et al. (U.S. Patent 5,963,192); has rejected claim 21 under 35 U.S.C. §103(a) as being unpatentable over Schultz taken with Fan et al. in view of Schoenbeck et al. and further in view of Wong et al. and Kalmanash (U.S. Patent 4,991,941); has rejected claim 23 under 35 U.S.C. §103(a) as being unpatentable over Schultz taken with Fan et al. in view of Schoenbeck et al. and further in view of Brooks et al. (U.S. patent 5,111,402); has rejected claim 24 under 35 U.S.C. §103(a) as being unpatentable over Schultz taken with Fan et al. in view of Schoenbeck et al. and further in view of Brooks et al. and Corm et al. (U.S. Patent 4,169,245); and has rejected claim 25 under 35 U.S.C. §103(a) as being unpatentable over Schultz taken with Fan et al., in view of Schoenbeck et al. and further in view of Brooks et al., taken with Corm et al., and further in view of Schoenbeck. Applicants respectfully traverse the

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With regard to claim 19, a portable electronic video display is described that includes a housing having an enclosed chamber and a viewing opening. The housing is configured to be worn on an operator's wrist and further the viewing opening includes an eyepiece configured such that an eye region of the operator may be placed proximate the eyepiece. Further, a display is mounted in the housing, and an optics assembly is coupled to the display and mounted within the housing. The optics assembly is for projecting an image generated on the display to the viewing opening. An RF receiver is coupled to the display for receiving a signal from a source and inputting the signal to the display thus resulting in the generation of the image. A data input control is mounted to the housing and coupled to a transmitter for sending control signals to a stand alone computer.

The present invention as described in claim 19 is not obvious in view of the cited references because even if all the elements of claim 19 are alleged to be described in the numerous references cited (an allegation which Applicants traverse), there is no motivation to combine the numerous references as alleged by the Examiner.

The Examiner alleges that Schultz teaches a wrist mounted terminal with a flexible housing, a portable electronic video display comprising a housing and a viewing opening, configured to be worn on an operator's wrist, with a display mounted in the housing. Contrary to the Examiner's allegation, Schultz does not teach a display "mounted within the housing" as recited in claim 19. Rather, the display is mounted on the surface of the housing for direct viewing by the user as opposed to being mounted "within the housing" with optics bringing an image to an eyepiece for viewing. The Examiner does acknowledge that Schultz lacks the remaining elements, but then alleges that Fan et al. and Schoenbeck et al. describe such elements and that it would be obvious to modify Schultz to provide the invention recited in claim 19.

However, there is no motivation or suggestion to make such a modification of Schultz. For example, Schultz describes a modular scanner with a hand-held data terminal for permitting a user to aim the scanner at a bar code or the like. (See column 2, lines 39-41) The hand-held data terminal with the modular scanner can be attached to the wrist or the back of the hand of a

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user and has a trigger for operating the scanner with the same hand on which it is mounted. (See column 3, lines 1-5) The wrist mounted terminals have a plurality of keys thereon. As set forth in column 8, lines 1-5, of Schultz, the "arrangement having the display at an angle with respect to the buttons (125) permits the display to be easily readable and yet have the buttons easily accessible without the need to be being a contortionist." Modification of the wrist mounted terminal of Schultz would clearly turn the usable terminal described therein into a device that only a contortionist could operate. For example, one cannot even imagine how difficult it would be to put such a modified terminal of Schultz up to the operator's eye and still allow the operator to use scanner or bar code reader and/or the keys of the terminal. The usage of the terminal of described in Schultz for scanning and viewing scanned items on a display clearly teaches away from the modification alleged to be suggested by the Examiner.

The terminal with display of Schultz is clearly for reading bar codes and having information show up on the display. To modify the display as alleged and suggested by the Examiner would make the device inoperable for its intended purpose. One could not find the bar codes to scan when the eyepiece of such an alleged modified display must be raised to the eye of the operator to see anything provided on the display. In other words, the modified apparatus as alleged by the Examiner would change the principle of operation of the device taught by Schultz. If a proposed modification would change the principle of operation of the prior art being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 U.S.P.Q. 349 (C.C.P.A. 1959).

For at least this reason alone, claim 19 is not obvious in view of the cited references.

The rejected dependent claims 20-25 respectively depend on independent claim 19, either directly or indirectly. Therefore, they include the limitations of the independent claim 1. As such, and as described above, such claims are not obvious in view of the cited references for at least such reasons given with reference to claim 19, and further by reason of their own limitations. For example, there is no suggestion that the display of Schultz be modified with an electroluminescent color sequential display and/or use an LCD color shutter coupled to the display. A scanner used with a terminal for reading bar codes as described in Schultz would

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clearly not be modified to use such unnecessary display mechanisms.

Further, claim 22 has been amended to clarify the eyepiece power switch. As recited therein, the power switch is coupled to the eyepiece so that power is only delivered to the display when the power switch is engaged as the operator's face presses against the eyepiece. Such an eyepiece power switch is not shown or described in any of the references cited and is not "in common practice" as alleged by the Examiner. Applicant assumes that the Examiner has taken judicial notice of the claimed elements not found in the cited references. Pursuant to M.P.E.P. § 706.02(a), Applicant respectfully objects to the Examiner's assertion that the elements not disclosed therein are "well known" or matters of "common practice" for purposes of establishing a basis for judicial notice. References showing such elements have not been cited, as required under 35 U.S.C. §103. Applicant requests, pursuant to M.P.E.P. § 706.02(a), that the Examiner produce a teaching reference which discloses the missing elements and suggests a basis for the combination.

Yet further, for similar reasons as described above, there is no suggestion or motivation to modify Schultz with any of the elements of claims 23-25.

It is respectfully requested that the rejection of such claims be withdrawn.

Claims 26-29

The Examiner has rejected claim 26 under 35 U.S.C. §103(a) as being unpatentable over Schultz taken with Fan et al., in view of Schoenbeck et al., and further in view of Kalmanash taken with Wong et al. Further, the Examiner has rejected claims 27-29 for similar reasons as set forth for claims 23-25. Applicant respectfully traverses the Examiner's rejections.

With regard to claim 26, a portable electronic video display for use in conjunction with a computing device is described that includes an enclosed housing configured to be worn on an operator's wrist and which has a viewing opening. The viewing opening includes an eyepiece configured such that an eye region of the operator may be placed proximate the eyepiece. The display further includes a receiver mounted within the housing and a color sequential video display also mounted within the housing and coupled to the receiver for displaying a video

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image of a signal received by the receiver. Further, an LCD color subtractive shutter is optically aligned with the video display and an optics assembly is coupled to the display for allowing an operator to view the image generated by the display through the viewing opening. A data input control is mounted to the housing and includes a transmitter for transmitting control signals to a remote computer.

The present invention as described in claim 26 includes several elements similar to the elements of claim 19. Therefore, claim 26 is not obvious in view of the cited references for the same reasons as set forth with respect to claim 19 (e.g., no motivation or suggestion to modify Schultz as alleged by the Examiner) and further by reason of its own limitations. Further, the rejected dependent claims 27-29 depend on independent claim 26, either directly or indirectly. Therefore, they include the limitations of the independent claim 26. As such, and as described above, such claims are not obvious in view of the cited references for at least such reasons given with reference to claim 26, and further by reason of their own limitations.

It is respectfully requested that the rejection of such claims be withdrawn.

Claim 30

The Examiner has rejected claim 30 under 35 U.S.C. §103(a) as being unpatentable over Schultz taken with Fan et al., in view of Schoenbeck et al., and further in view of Cooper et al. (U.S. Patent 6,141,057) taken with Tsugane et al. (U.S. Patent 5,045,942). Applicant respectfully traverses the Examiner's rejection.

Claim 30 describes a computer system including a computer having a video output coupled to an analog to digital converter, a transmitter coupled to the analog to digital converter for sending a video signal, and a receiver for receiving control signals from a remote source. The system further includes a display having an enclosed housing configured to be worn on an operator's wrist with the housing including an eyepiece configured such that an eye region of the operator may be placed proximate the eyepiece. A receiver is mounted within the housing for receiving video signals from the transmitter and a video display is coupled to the receiver and contained within the housing of the display for displaying a video image of a signal received by

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the receiver. An optics assembly is contained within the housing and operably coupled to the video display for allowing an operator to view the image generated by the video display and a data input control is mounted to the housing. Further, the system includes a transmitter for transmitting control signals to the computer.

The present invention as described in claim 30 includes several elements similar to the elements of claim 19. Therefore, claim 30 is not obvious in view of the cited references for the same reasons as set forth with respect to claim 19 (e.g., no motivation or suggestion to modify Schultz as alleged by the Examiner) and further by reason of it's own limitations.

It is respectfully requested that the rejection of such claim be withdrawn.

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It is respectfully submitted that the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

28 Nov 2005

Date

Respectfully submitted by

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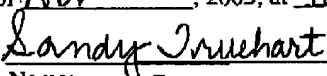
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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28 day of Nov, 2005, at 10:45 A.M. (Central Time).

By: 

Name:

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